

change of address, the action is subject to dismissal without prejudice for failure to prosecute. Accord Walker v. Moak, 2008 WL 4722386 (E.D. La. Oct. 22, 2008) (dismissing without prejudice a § 1983 action for failure to prosecute under Rule 41(b) of the Federal Rules of Civil Procedure where the plaintiff did not notify the court of his new address upon his release from jail). Litigants are also obligated to comply with Court orders. See generally Fed. R. Civ. P. 41(b) (district court may dismiss an action “[f]or failure of the plaintiff to prosecute.”). Before dismissing a case for failure to prosecute, a district court should weigh: “(1) the plaintiff’s degree of personal responsibility; (2) the amount of prejudice caused the defendant; (3) the presence of a drawn out history of deliberately proceeding in a dilatory fashion; and (4) the effectiveness of sanctions less drastic than dismissal.” Attkisson v. Holder, 925 F.3d 606, 625 (4th Cir. 2019) (quoting Hillig v. Comm’r of Internal Revenue, 916 F.2d 171, 174 (4th Cir. 1990)).

The Court does not have a current address for Plaintiff, he has now been released from custody, and it appears that he may have abandoned this action. Before dismissing this action for failure to prosecute, the Court will give Plaintiff one more opportunity in which to notify the Court of his current address in accordance with the Order of Instructions, and either pay the filing fee or file a completed *in forma pauperis* application in accordance with the Notice of Deficiency. Failure to comply will result in this case’s dismissal without further notice.

IT IS, THEREFORE, ORDERED that:

1. Plaintiff shall have **10 days** from service of this Order in which to notify the Court of his change in address in accordance with the Order of Instructions and to comply with the Notice of Deficiency.
2. The Clerk of Court is directed to mail a copy of this Order, the Order of Instructions (Doc. No. 2), the Notice of Deficiency (Doc. No. 3), and an *in forma pauperis*

application to Plaintiff's address of record.

Signed: August 22, 2019

A handwritten signature in black ink, appearing to read "Frank D. Whitney", written over a horizontal line.

Frank D. Whitney
Chief United States District Judge

